

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 1:95-cr-00013-MR-1**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RICKY NELSON WALKER,

Defendant.

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ORDER

THIS MATTER is before the Court on the Defendant's Motion for Writ of Error Coram Nobis [Doc. 103].

The Defendant was indicted as part of a cocaine conspiracy in 1995. He pleaded guilty to three counts and was sentenced in August 1995 to a term of 48 months' imprisonment and five years' supervised release. The Defendant is currently incarcerated for a different conviction. [See Criminal Case No. 1:08-cr-00129-MR-1].

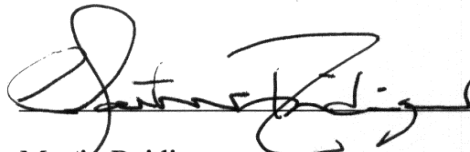
The Defendant now moves the Court for an Order vacating his 1995 conviction, arguing that in light of Johnson v. United States, 135 S.Ct. 2551 (2015), he was improperly designated as a career offender. [Doc. 103].


The Defendant's motion must be denied. Even assuming *arguendo* that Johnson afforded any relief to the Defendant, at most he would be entitled to be resentenced without the career offender enhancement. The Defendant, however, has already served his sentence (and is currently incarcerated for a different conviction). Accordingly, the Defendant's motion for relief under Johnson is hereby denied.

IT IS, THEREFORE, ORDERED that the Defendant's Motion for Writ of Error Coram Nobis [Doc. 103] is **DENIED**.

IT IS SO ORDERED.

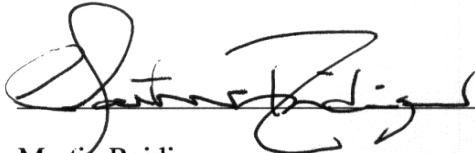
Signed: May 2, 2016


Martin Reidinger
United States District Judge



IT IS SO ORDERED.

Signed: May 2, 2016


Martin Reidinger
United States District Judge

